

MINUTE ORDER

CASE NUMBER: CV NO. 18-00125 HG-RT

CASE NAME: Andrew Namiki Roberts v. Al Cummings
in his Official Capacity as the State
Sheriff Division Administrator; Clare
Connors in her Official Capacity as the
Attorney General of the State of Hawaii

ATTYS FOR Alan A. Beck
PLAINTIFF: Stephen D. Stamboulieh

ATTYS FOR Caron M. Inagaki
DEFENDANTS: John M. Cregor, Jr.
Robert T. Nakatsuji
Kimberly T. Guidry

JUDGE: Helen Gillmor

DATE: August 25, 2022

On November 26, 2019, this Court held a hearing on the Parties' Motions for Summary Judgment. The Court elected to stay the proceedings in this case pending the decision by the United States Supreme Court in New York State Rifle & Pistol Association, Inc. v. City of New York, 18-280. (ECF No. 71).

On April 27, 2020, Plaintiff filed a Motion to Lift Stay. (ECF No. 74).

On June 17, 2020, the Court elected to continue to stay the proceedings pending the en banc decision by the Ninth Circuit Court of Appeals in Young v. State of Hawaii, No. 12-17808. (ECF No. 79).

On July 20, 2020, Plaintiff filed a Motion to Lift Stay. (ECF No. 80).

On August 14, 2020, the Court denied Plaintiff's Motion to Lift Stay (ECF No. 80). (ECF Nos. 81, 82). The Court continued the stay in this case pending the en banc decision by the Ninth Circuit Court of Appeals in Young v. State of Hawaii, No. 12-17808. (ECF No. 81).

On March 24, 2021, Plaintiff filed a Motion to Lift Stay. (ECF No. 84).

On March 25, 2021, the Court denied Plaintiff's Motion to Lift Stay. (ECF No. 85).

On March 26, 2022, Plaintiff filed a Notice of Appeal to the Ninth Circuit Court of Appeals, No. 21-15562. (ECF No. 86).

On May 13, 2021, the Ninth Circuit Court of Appeals issued an order remanding proceedings to the District Court for the limited purpose of allowing the District Court to reconsider its decision and set forth the basis of its decision. (ECF No. 90).

On June 2, 2021, the District Court responded to the Ninth Circuit Court of Appeals and explained why it elected to continue to stay the proceedings in this case. (ECF No. 95).

On June 23, 2022, the Supreme Court issued its decision in New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. __ (2022), holding that New York's proper-cause requirement violates the Fourteenth Amendment. The Supreme Court reversed and remanded the case for further proceedings.

On July 29, 2022, the Ninth Circuit Court of Appeals issued an order remanding the case to the District Court to determine whether Hawaii had waived its sovereign immunity for purposes of this action. (ECF No. 98).

On August 1, 2022, Defendants filed:

MOTION FOR JUDGMENT ON THE PLEADINGS UNDER FRCP RULE 12(c) AND, IN THE ALTERNATIVE, MOTION TO DISMISS UNDER FRCP RULE 12(b)(1), AND FOR OTHER RELIEF (ECF No. 101).

On August 5, 2022, Plaintiff and Defendants jointly filed:

STIPULATION OF DISMISSAL (ECF No. 102).

On August 22, 2022, the Ninth Circuit Court of Appeals issued the **MANDATE**. (ECF No. 103).

The Court **LIFTS** the Stay imposed on November 26, 2019. (ECF No. 71).

The Court **TERMINATES** Defendants' Motion for Judgment on the Pleadings. (ECF No. 101).

The Court **APPROVES** Plaintiff and Defendants' Stipulation of Dismissal. (ECF No. 104).

The Court **DISMISSES** the case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

The Clerk of Court is **ORDERED** to **CLOSE THE CASE**.

Submitted by: Rachel Sharpe, Courtroom Manager